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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,079	02/27/2004	Hajime Sekiguchi	00684.003600	4303
5514	7590	06/10/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			VAN, QUANG T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/787,079

Applicant(s)

SEKIGUCHI ET AL.

Examiner

Quang T. Van

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/27/04 &amp; 4/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Applicant's election without traverse of Species II (Figures 6 and 9), claims 1-6 read on the elected species, in the reply filed on April 28, 2005, is acknowledged.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

***Claim Objections***

4. Claim 6 is objected to because of the following informalities: the term "said heat generating element", "said holding portion" and "said one end" recited in claim 6 lack antecedent basis from the claim and preceding claim. Appropriate correction is required.

NOTE: For purpose of examination, it is presumed that claim 6 depends on claim 4.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato (US 6,453,144). Sato discloses an image heating apparatus comprising a heat generation member (1, col. 3, lines 9-10) for generating heat using magnetic flux, a coil (6) for generating the magnetic flux by electric power supply thereto, said coil being disposed in said heat generation member (col. 4, lines 5-11), wherein a material (3) to be heated is fed and introduced in a heating portion of said heat generation member to heat an image on the material to be heated by generated by said heat generation member (col. 3, lines 12-19), a movable member (8) which is movable in said heat generation member (1), a rotatable drive transmission member (4) for transmitting a driving force to said movable member, wherein said drive transmission member (4) has a hollow rotation shaft, and a supply line (13) for supplying the electric power is connected to said coil through the hollow rotation shaft (col. 3, lines 25-34).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Umezawa et al (US 20030081961) in view of Yoshimoto et al (US 5,404,214). Umezawa discloses an image forming apparatus and fixing device comprising a heat generation member (1) for generating heat using magnetic flux, a coil (11, par.0054, lines 1-3) for generating the magnetic flux by electric power supply thereto, said coil (11) being disposed in said heat generation member (1), wherein a material (paper sheet P) to be heated is fed and introduced in a heating portion of said heat generation member (1) to heat an image on the material to be heated by generated by said heat generation member (par. 0063-0064), a movable member (12) which is movable in said heat generation member (1), a rotatable drive transmission member (2) for transmitting a driving force to said movable member(12), wherein said drive transmission member (2) has a hollow rotation shaft . However, Umezawa does not disclose a supply line being connected to the heater through the hollow rotation shaft. Yoshimoto discloses a supply line (45, figure 5) being connected to a heater through a hollow shaft (41a). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in Umezawa a supply line being connected through a hollow shaft as taught by Yoshimoto in order supplying the electric power to the heater coil.
9. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest a holding member for holding said coil, wherein each of opposite ends of said holding member with respect to a rotational axis of said heat generating element is provided with a supporting portion for supporting said holding member, and wherein at least one of said supporting portions has a hollow supporting portion for permitting the supply line to extend out, and wherein said drive transmission member is supported through said hollow supporting portion, and said supply line is extended out through said hollow supporting portion as recited in claims 4-6.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Kinouchi et al (US 6,763,206) discloses an image forming apparatus with an induction heating unit.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*QV*

QV  
June 3, 2005



Quang T Van  
Primary Examiner  
Art Unit 3742